

Journal of Air Law and Commerce

Volume 78 | Issue 3

Article 7

2013

Front Matter

Follow this and additional works at: <https://scholar.smu.edu/jalc>

Recommended Citation

Front Matter, 78 J. AIR L. & COM. i (2013)
<https://scholar.smu.edu/jalc/vol78/iss3/7>

This Front Matter is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in Journal of Air Law and Commerce by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

The Journal of Air Law and Commerce

VOLUME 78

FALL 2013

NUMBER 4

TABLE OF CONTENTS

ARTICLES

The Problems and Potential Solutions
Related to the Emergence of Space
Weapons in the 21st Century *Alexander Chanock* 691

The D.C. Circuit's Epic Failure in
Electronic Privacy Information Center
v. United States Department of
Homeland Security *R. Gregory Israelsen* 711

Death from Above? The Weaponization of
Space and the Threat to International
Humanitarian Law *Robert David Onley* 739

The Fire Power of Lithium Batteries:
Section 828 of the FAA Modernization
and Reform Act of 2012 *Jessica Wall* 767

The *Journal of Air Law and Commerce* (ISSN 0021-8642) is published four times a year, (1) Winter, (2) Spring, (3) Summer, and (4) Fall, by the SMU Law Review Association. Subscription rates are \$43.00 per year, domestic, and \$50.00 per year, foreign. Single issues are available at \$16.00 per copy. Add 8.25% tax on all single issue orders within the State of Texas. Tax exempt institutions must include a copy of their exemption certificate with orders. An additional charge will be made for postage and handling. Periodicals postage paid at Dallas, Texas, and at additional mailing offices. Prior issues (vols. 1-75) available from William S. Hein & Co., 2350 North Forest Road, Getzville, New York 14068. Volumes 76-78 are available from the *Journal of Air Law and Commerce*, Southern Methodist University School of Law, P.O. Box 750116, Dallas, Texas 75275. POSTMASTER: Send address changes to *Journal of Air Law and Commerce*, School of Law, Southern Methodist University, P.O. Box 750116, Dallas, Texas 75275. Printed by Joe Christensen, Inc., P.O. Box 81269, Lincoln, Nebraska 68501.

Citations conform with *The Bluebook: A Uniform System of Citation* (19th ed. 2010) and *Texas Rules of Form* (12th ed. 2010). Please note that due to the justification of the articles, citations to internet sources may contain an additional space between double back slashes.

Please address all manuscripts to the Editor in Chief, *Journal of Air Law and Commerce*, Southern Methodist University School of Law, P.O. Box 750116, Dallas, Texas 75275. Submitted manuscripts should be triple-spaced on letter-size paper. Footnotes rather than endnotes should be used and should also be triple-spaced. Word processing capabilities and requirements are available on request. A brief autobiographical statement should accompany the submission. Unsolicited manuscripts will not be returned unless return postage or a stamped, self-addressed envelope is enclosed.

Replacement copies are sent to subscribers upon prompt notification of non-receipt or defective copies. Subscriptions are renewed automatically upon expiration unless the subscriber sends timely notice of termination. All notifications of change of address should include old address, including zip code, and new address, including zip code. Please notify one month in advance to ensure prompt delivery.

Address inquiries to the *Journal of Air Law and Commerce*, Southern Methodist University School of Law, P.O. Box 750116, Dallas, Texas 75275.

Published quarterly by the SMU Law Review Association.

© Copyright 2013 by the Southern Methodist University Dedman School of Law.

ADVISORY BOARD

Gary W. Allen
Attorney at Law
Williamsburg, VA

Dr. P. Nikolai Ehlers
Ehlers, Ehlers & Partners
Munich, Germany

Elizabeth Mireya Freidenberg
Freidenberg, Freidenberg & Lifsic
Buenos Aires, Argentina

Eileen M. Gleimer
Crowell & Moring, LLP
Washington, DC

Eugene Jericho
Attorney at Law
Dallas, TX

H. Norman Kinzy
SettlePou, P.C.
Dallas, TX

Paul B. Larsen
Georgetown University
Law Center
Washington, DC

Robert Lawson
Quadrant Chambers, Quadrant House
London, England

Andreas F. Lowenfeld
Professor of Law
New York University School of Law
New York, NY

Allan I. Mendelsohn
Sher & Blackwell
Washington, DC

Dr. Pablo M.J. Mendes de Leon
Director, Int'l Institute of Air & Space Law
University of Leiden
The Netherlands

Dr. Michael Milde
Director Emeritus
Institute of Air & Space Law
McGill University
Montreal, Canada

Marc S. Moller
Kreindler & Kreindler
New York, NY

John J. Nance
Aviation Author & Attorney at Law
Roche Harbor, WA

David T. Norton
Shackelford, Melton & McKinley, LLP
Dallas, TX

John F. Pritchard
Holland & Knight
New York, NY

Mark R. Shaw
Associate General Counsel
Southwest Airlines
Dallas, TX

Charles H. Smith
Smith & Moore, P.L.L.C.
Dallas, TX

Charles A. Tarpley
Attorney at Law
Dallas, TX

William E. Thoms
Professor Emeritus of Law
Upper Great Plains Transportation Institute
Little Falls, MN

Windle Turley
Turley Law Firm
Dallas, TX

William R. Wyatt
Sheppard, Mullin, Richter & Hampton,
L.L.P.
New York, NY

SMU Law Review

VOLUME 78

FALL 2013

NUMBER 4

SMU LAW REVIEW ASSOCIATION 2013 – 2014 BOARD OF EDITORS

President
HEATHER COGHLAN

Journal of Air Law & Commerce
Editor-in-Chief
JACQUI BOGUCKI

SMU Law Review
Editor-in-Chief
LANCE WYATT

Journal of Air Law & Commerce
Managing Editor
LAURA ARBEITER

Texas Survey Editor
BRANDON BELLOWES

SMU Law Review
Managing Editor
PHONG TRAN

Associate Texas Survey Editors
JAMES BEDOTTO
KATIE CRISTINA

JALC Associate Managing Editors
ELIZABETH GRIFFIN
MATTHEW MORAN

Lead Articles Editors
NATHAN LEE
ROUZHNA NAYERI
PHILLIP SANDERS

SMU Associate Managing Editors
ASHTON BARRINEAU
LINDSEY HOVLAND

LAUREN CHRISTY
CHELSEA CLARKE
RYAN FRYE
BLAIR GREEN
SARAH HONEYCUTT

Articles Editors
ZUNNY LOSOYA
BRYAN PARRISH
SAMUEL PINKSTON
BAINE SELLERS

ROSS STAINE
CLARKE STAVINOH
DONALD STEADMAN
NATHAN THOMPSON
JERRY TICE

JALC Comment Editors
BLAKE FEIKEMA
MICHELLE NORTHCUTT

Executive Editor
CHRISTINA GIGLIOTTI

SMU Comment Editors
RENEE HUNTER
NICOLAS LOW
CYNTHIA WEBER

Air Law Symposium
Editors
JASON GLENNON
KIMBERLY FALGOUT

Administrative Managing
Editors
CHRIS LAMBERT
WILLIAM TRAN

Corporate Counsel Symposium
Editors
JESSICA GREENWALD
BROOKE PANNO
KYLE PARK

Symposium CLE Editors
JUN LI
JOSHUA TYLER SHELTON

Journal of Air Law and Commerce
Faculty Advisor
GREGORY S. CRESPI

Symposium Technology
Editors
SEAN McBEATH
CHAD STOKER

SMU Law Review Faculty Advisor
THOMAS WM. MAYO
ANTHONY J. COLANGELO
JOSHUA C. TATE

Journal of Air Law and Commerce
Administrative Assistant
LISA BROWNING

SMU Law Review
Administrative Assistant
DONNAISE BALDWIN

MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS

THE SMU LAW REVIEW ASSOCIATION PUBLISHES BOTH
THE SMU LAW REVIEW AND THE JOURNAL OF AIR LAW AND COMMERCE

SMU Law Review

VOLUME 78

FALL 2013

NUMBER 4

The SMU Law Review Association Proudly Announces Its 2013-2014 Staff

John Adams
John P. Atkins
Jillian Beythan
Anna Booth
Samuel Bragg
Amanda Brett
Aaron Chibli
Allison Childs
Bryan Clegg
CC Copeland
Cody Cravens
Jaime DeWees
Ashley Deweese
Nhi Dinh
Erik Fountain
Farsheed Fozouni
Kelli Gavin
Nicole Haget
Eric Hedlund
Seth Jaskoviak
Fahad Juneja
Christopher Knight
Clinton Kuykendall
Meagan Lanier
Scott R. Larson

Emily Leezer
Emily Lehmberg
Neal Lober
James M. Lucas
Huy Ly
John McGregor
Heather McKinney
Bryan McKown
Andria Rae Minyard
Joshua Pelfrey
Catherine Peterman
Jessica Phillips
Alex Poor
Seth Rasmussen
Amy Rauch
Cheyenne Rogers
Michael Sheetz
Jennifer Smiley
Cassie Suttle
Kelsey Taylor
Peter Thompson
J. Bryan White
Allyson Yates
Kyle Zunker

SOUTHERN METHODIST UNIVERSITY DEDMAN SCHOOL OF LAW

OFFICERS OF THE UNIVERSITY

R. Gerald Turner, *President*
Paul W. Ludden, *Provost and Vice President for Academic Affairs*
Thomas E. Barry, *Vice President for Executive Affairs*
Brad E. Cheves, *Vice President for Development and External Affairs*
Chris Regis, *Vice President for Business and Finance*
Paul J. Ward, *Vice President for Legal Affairs and Government Relations, General Counsel, and Secretary*
Lori S. White, *Vice President for Student Affairs*
Michael A. Condon, *University Treasurer*

DEDMAN SCHOOL OF LAW

FACULTY AND ADMINISTRATIVE STAFF

Julia P. Forrester, B.S.E.E., J.D., *Dean ad interim and Professor of Law*
John S. Lowe, B.A., LL.B., *Senior Associate Dean for Academic Affairs and George W. Hutchison Chair in Energy Law*
Nathan Cortez, B.A., J.D., *Associate Dean for Research and Associate Professor of Law*
Gail M. Daly, B.A., M.A., J.D., *Associate Dean for Library and Technology and Associate Professor of Law*
Ruth A. Cross, B.A., J.D., *Associate Dean for Administration, Director of Legal Research, Writing and Advocacy Program and Senior Lecturer in Law*
Lynn Switzer Bozalis, B.A., J.D., *Associate Dean for Development and Alumni Affairs*
Martin L. Camp, B.A., J.D., *Assistant Dean for Student Affairs*
Karen C. Sargent, B.B.A., J.D., *Assistant Dean and Executive Director for Career Services*
Jill Nikirk, B.A., J.D., *Assistant Dean for Admissions*
Rebecca Garza Greenan, B.S., B.A., M.Ed., J.D., *Director of Public Service Program and Director of Academic Skills Assistance Program*
Roland C. Webb, B.S., M.B.A., *Director of Financial Services*
Lynn McVicker Dempsey, B.B.A., *Director of External Relations*
Kristy Offenburger, *Director, Communications and Marketing*
Linda A. Hale, B.A., J.D., *Director of Career Services*
Stephen B. Yeager, B.B.A., J.D., *Director of Career Services*
J. Mark McWatters, B.B.A., M.B.A., J.D., LL.M., LL.M., *Director of Graduate Programs*
Laura Amberson, B.S., *Registrar*

FACULTY

John B. Attanasio, B.A., J.D., LL.M., *Dipl. in Law, Judge William Hawley Atwell Chair of Constitutional Law, Professor of Law and Former Dean*
Roy R. Anderson, B.A., J.D., LL.M., *Vinson & Elkins Distinguished Teaching Fellow and Professor of Law*
Maureen N. Armour, B.A., M.S.W., J.D., *Co-Director of Civil Clinic and Associate Professor of Law*
Lackland H. Bloom, Jr., B.A., J.D., *Professor of Law*
William J. Bridge, B.S.F.S., J.D., *Associate Professor of Law*
Alan R. Bromberg, B.A., J.D., *University Distinguished Professor of Law*
Cheryl Nelson Butler, B.A., J.D., *Assistant Professor of Law*
Regis W. Campfield, B.B.A., LL.B., *Professor Emeritus of Law and Marilyn Jeanne Johnson Distinguished Law Faculty Fellow Emeritus*
Beverly M. Carl, B.S.L., J.D., LL.M., *Professor Emerita of Law*
Michaela E. Cashen, B.A., J.D., *Senior Lecturer in Law*
Eric Ceditillo, B.S., J.D., *Coordinator, Consumer Advocacy Project*
Anthony J. Colangelo, B.A., J.D., LL.M., J.S.D., *Associate Professor of Law*
Nathan Cortez, B.A., J.D., *Associate Dean for Research and Associate Professor of Law*
Gregory S. Crespi, B.S., M.S., Ph.D., J.D., *Professor of Law*
Ruth A. Cross, B.A., J.D., *Associate Dean for Administration; Director of Legal Research, Writing, and Advocacy Program; and Senior Lecturer in Law*

Gail M. Daly, B.A., M.A., J.D., *Associate Dean for Library and Technology, Director of the Underwood Law Library, and Associate Professor of Law*
 David E. DePianto, B.A., J.D., Ph.D., *Assistant Professor of Law*
 William V. Dorsaneo III, B.A., J.D., *Chief Justice John and Lena Hickman Distinguished Faculty Fellow and Professor of Law*
 Beverly C. Duréus, B.A., J.D., Th.M., *Senior Lecturer in Law*
 Linda S. Eads, B.A., J.D., *Associate Provost and Associate Professor of Law*
 Julia P. Forrester, B.S.E.E., J.D., *Dean ad interim and Professor of Law*
 Jeffrey M. Gaba, B.A., J.D., M.P.H., *Professor of Law*
 Christopher H. Hanna, B.S., J.D., LL.M. (in Taxation), *Altshuler University Distinguished Teaching Professor and Professor of Law*
 Patricia S. Heard, B.A., J.D., *Senior Lecturer in Law*
 JoAnn A. Hubbard, B.S., J.D., *Senior Lecturer in Law*
 Christopher M. Jenks, B.S., J.D., LL.M., LL.M. (with distinction), *Director of the Criminal Justice Clinic and Assistant Professor of Law*
 Larry Jones, B.B.A., J.D., LL.M., *Director of Federal Tax Clinic and Small Business Clinic*
 Jeffrey Kahn, B.A., M.Phil., D.Phil., J.D., *Associate Professor of Law*
 Ndiva Kofele-Kale, B.A., M.A., Ph.D., J.D., *University Distinguished Professor and Professor of Law*
 Henry J. Lischer Jr., B.B.A., J.D., LL.M. (in Taxation), *Professor Emeritus of Law*
 John S. Lowe, B.A., LL.B., *Senior Associate Dean for Academic Affairs and George W. Hutchison Professor of Energy Law*
 George A. Martinez, B.A., M.A., J.D., *Professor of Law*
 Thomas Wm. Mayo, B.A., J.D., *Altshuler University Distinguished Teaching Professor and Associate Professor of Law*
 Orly Sulami Mazur, B.B.A., M.P.A. (summa cum laude), J.D. (Order of the Coif), LL.M., *Assistant Professor of Law*
 Joseph W. McKnight, B.A., B.A., B.C.L., M.A., LL.M., *Larry and Jane Harlan Faculty Fellow and Professor of Law*
 Charles J. Morris, B.A., LL.B., *Professor Emeritus of Law*
 Frederick C. Moss, A.B., J.D., LL.M., *Professor Emeritus of Law*
 John J. Mylan, B.S., J.D., LL.M. (in Taxation), *Professor Emeritus of Law*
 Xuan-Thao Nguyen, B.A., J.D., *Professor of Law*
 Joseph Jude Norton, A.B., LL.B., LL.M, S.J.D., D.Phil., *Distinguished Faculty Fellow in Financial Institutions, Professor of Law, and James L. Walsh Distinguished Faculty Fellow*
 Victoria Palacios, J.D., *Associate Professor of Law*
 Kenneth L. Penegar, A.B., J.D., LL.M., *Professor Emeritus of Law*
 Roark M. Reed, B.S., B.A., J.D., *Professor Emeritus of Law*
 W. Keith Robinson, B.S., J.D., *Assistant Professor of Law*
 C. Paul Rogers III, B.A., J.D., LL.M., *Professor of Law and former Dean*
 Meghan Ryan, A.B., J.D., *Assistant Professor of Law*
 Eliot Shavin, B.A., J.D., *Supervising Attorney, Civil Clinic*
 Ellen K. Solender, A.B., J.D., *Professor Emerita of Law*
 Mary B. Spector, B.A., J.D., *Co-Director of Civil Clinic, Director of Consumer Law Project, and Associate Professor of Law*
 Walter W. Steele Jr., LL.B., *Professor Emeritus of Law*
 Marc I. Steinberg, A.B., J.D., LL.M., *Rupert and Lillian Radford Chair in Law*
 Heather Stobaugh, B.A., M.A., J.D., *Lecturer in Law*
 Joshua C. Tate, B.A., M.A., M.Phil. J.D., Ph.D., *Associate Professor of Law*
 David O. Taylor, B.S., J.D., *Assistant Professor of Law*
 Elizabeth G. Thornburg, B.A., J.D., *Professor of Law*
 Sarah Tran, B.S., J.D., *Assistant Professor of Law*
 Jenia Iontcheva Turner, B.A., J.D., *Professor of Law*
 Jonni Walls, B.A., J.D., *Lecturer in Law*
 Jessica Dixon Weaver, B.A., J.D., *Assistant Professor of Law*
 Harvey Wingo, B.A., M.A., J.D., *Vinson & Elkins Distinguished Teaching Fellow Emeritus and Professor Emeritus of Law*
 Peter Winship, B.A., LL.B., LL.M., *James Cleo Thompson Sr. Professor of Law*



Articles

